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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,187	07/27/2000	Peter Bilowol	A-7072	2683

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HOFFMAN WASSON & GITLER
2361 JEFFERSON DAVIS HIGHWAY
SUITE 522
ARLINGTON, VA 22202

EXAMINER

CANFIELD, ROBERT

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 01/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/581,187

Applicant(s)

Biowol

Examiner
Robert Canfield

Art Unit
3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 29, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-32 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 1 sheet 20) ☐ Other:

Art Unit: 3635

1. This is a first Office action on the merits for application serial number 09/581187 filed 07/27/00. This action is in response to the amendment and election filed 10/29/01. Claims 25-32 are pending. Claims 1-24 have been canceled.

2. The disclosure is objected to because of the following informalities:

There is no brief description of figures 4D, 26A, 26B, or 38,

- ✓ page 10 references figure 4 and there is no figure 4, and
- ✓ it appears that reference character "45" on page 11 lines 1 and 2 should be reference character "43".

Appropriate correction is required.

3. The drawings are objected to because:

- ✓ figures 37.1 and 37.2 should be labeled as figures 37A and 37B to agree with the specification,
 - ✓ figure 40 is not found,
 - ✓ reference character 45 does not appear to point towards the c-shaped clips as described on page 11 of the specification,
 - ✓ opening 68 is not found,
 - ✓ liner 81 is not found, and
- while reference character 95 is found in figure 13, the frame 95 is not found. ?

Correction is required.

Art Unit: 3635

✓ 4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "81", "82" and "83" have been used to designate the liner on pages 12 and 13 of the specification. Correction is required.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The terms "steel hollow section frames", "molding boards" and "metal tag" fails to find antecedent basis in the specification.

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 25-32 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification fails to provide an adequate and clear written description of the invention.

Art Unit: 3635

It is unclear how support ties 31 connect end frame elements 14 and 15 to side frame elements 12 and 13 as described (page 10). Figure 4A only shows clips 34 of tie 31 connecting to an end frame element.

It is further unclear how the spacer elements 39, 40 enable separation between side frame elements 12, 13 and end wall elements 14 and 15. The description is unclear and this relationship is not clearly illustrated in the figures.

It is unclear how spacers 96 separate panels 91 from the frame 95 as described on page 13. This relationship is not clearly illustrated or described.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 25-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Throughout the claims the repetitive use of the alternative “or” renders what is being claimed unclear. For example: is a panel, a module, a group of panels, a group of modules being claimed?

It is unclear what is meant by “steel hollow section frames” as this term is not defined in the specification. The specification discloses frames formed from steel rod bent into a rectangular loop shape. There is no discussion of the term “hollow”.

Art Unit: 3635

Regarding claim 26, the phrase "suitable joined" renders the claim indefinite because the claim include elements not actually disclosed thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

In claim 29, it is unclear what "pouting of concrete" is. Also at the second to last line the language "et in" is unclear.

In claim 30 it is unclear what "a complete required concrete construction" is. It is also unclear what the hollow section of the concrete construction" is.

In claim 32 it is unclear what "they" references.

10. No allowability determinations are made at this time.
11. The examiner acknowledges receipt of the IDS filed 08/10/00. An initialed copy of the 1449 form is attached.
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Canfield whose telephone number is (703) 308-2482. The examiner can normally be reached on M-Th.

Serial Number: 09/581187

Page 6

Art Unit: 3635

The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Robert Canfield

January 8, 2002

Robert Canfield
Primary Examiner